

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Emerson Waddell Sartor II**

**Docket No. 7:05-CR-128-1M**

**Petition for Action on Supervised Release**

COMES NOW Kristyn Super, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Emerson Waddell Sartor II, who, upon an earlier plea of guilty to Distribution of More than 50 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), Use, Carry, and Possess a Firearm During and in Relation to a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on July 12, 2006, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Emerson Waddell Sartor II was released from custody on April 12, 2019, at which time the term of supervised release commenced.

On November 3, 2020, a Violation Report was submitted to the court reporting that the defendant tested positive for marijuana. In response to the violation, the defendant was referred for a substance abuse assessment and placed in the Surprise Urinalysis Program.

On January 6, 2022, the case was reassigned to The Honorable Richard E. Myers, II, Chief U.S. District Judge for the Eastern District of North Carolina.

On January 6, 2022, a Violation Report was submitted to the court reporting that on December 16, 2021, the defendant was charged with Simple Possession of a Schedule VI Controlled Substance, Possession of Drug Paraphernalia, and Driving while License Revoked in Jacksonville, North Carolina. The defendant admitted to driving without a valid license but denied guilt as it related to the marijuana and paraphernalia. On February 23, 2022, the defendant pled guilty to Failure to Notify the DMV of Address Change in Onslow County District Court and all other charges were voluntarily dismissed by the District Attorney's Office (21CR713008).

On February 17, 2023, a Violation Report was submitted to the court reporting that the defendant tested positive for marijuana. In response to the violation, the defendant was returned to treatment and the Surprise Urinalysis Program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On July 27, 2023, the defendant submitted to a urinalysis, which was confirmed as positive for marijuana by Abbott Laboratories on August 3, 2023. The defendant admits to using marijuana on his birthday and understands that the continued use of controlled substances during the term of supervision will not be tolerated. As a sanction for the violation conduct, it is respectfully recommended that the conditions of supervised release be modified to include the successful completion of 24 hours of community service.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kristyn Super  
Kristyn Super  
Senior U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5104  
Executed On: August 29, 2023

**ORDER OF THE COURT**

Considered and ordered this 1<sup>st</sup> day of September, 2023, and ordered filed and made a part of the records in the above case.

Richard E. Myers, II

Richard E. Myers, II  
Chief U.S. District Judge